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**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

SARAH SMITH
5450 Songbird Way
Parker, Colorado 80134

Plaintiff,

v.

HCSC-Blood Center, Inc.
(d/b/a Miller-Keystone Blood Center)
1465 Valley Center Parkway
Bethlehem, PA 18107

-and-

Miller-Keystone Blood Center
1465 Valley Center Parkway
Bethlehem, PA 18107

Defendants.

CIVIL ACTION NO.:

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT- MALPRACTICE - MEDICAL

Sarah Smith, Plaintiff, by and through her attorneys, brings this action against Defendants HCSC-Blood Center, Inc. (d/b/a Miller-Keystone Blood Center), and Miller-Keystone Blood Center and in support thereof alleges as follows:

JURISDICTION

1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §1332. There is complete diversity of citizenship among the parties and the amount in controversy, exclusive of interest and costs, exceeds \$75,000, as specified by 28 U.S.C. §1332.

VENUE

2. Venue is proper in this district, pursuant to 28 U.S.C. § 1391 (a)(1) because all of the Defendants' conduct occurred in this District where Defendants regularly transact business.

PARTIES

3. Plaintiff, Sarah Smith is an individual, citizen, and domiciliary of the state of Colorado, residing therein at 5450 Songbird Way, Parker, Colorado, 80134
4. Defendant, HCSC-Blood Center, Inc. (d/b/a Miller-Keystone Blood Center), is a Pennsylvania corporation with its principal place of business at 1465 Valley Center Parkway, Bethlehem, PA, 18107.
5. Defendant, Miller-Keystone Blood Center is a Pennsylvania corporation, with its principal place of business at 1465 Valley Center Parkway, Bethlehem, PA, 18107.

COUNT ONE - NEGLIGENCE

6. At all times pertinent hereto, Defendants HCSC-Blood Center, Inc. (d/b/a Miller-Keystone Blood Center), and Miller-Keystone Blood Center, were engaged in the business of drawing blood samples from donors at mobile blood drives located in various facilities throughout the Commonwealth of Pennsylvania.
7. Defendants, on or about September 12, 2007, organized and conducted a blood drive at Lehigh University, in Bethlehem, Pennsylvania, where Plaintiff was a student.
8. On the date in question, Plaintiff, Sarah Smith presented herself to donate blood at the aforementioned blood drive.
9. At all times material hereto, Plaintiff, Sarah Smith, was under the medical care, treatment and attendance of the defendants herein, individually, jointly, and/or severally, through their agents, servants, employees, and ostensible agents, acting within the scope and course of their employment, and under the control or right of control of defendants herein.
10. At all times material hereto, D. Kip Kuttner, D.O., served as Medical Director for the above named Defendants.
11. At all times material hereto, Deborah Vasquez and Pamela Sluzevich were phlebotomists under the employ and control of Defendants who were assigned by Defendants to the blood drive that took place at Lehigh University on the day in question.
12. At all times material hereto, Deborah Vasquez and/or Pamela Sluzevich provided treatment and/or services to Sarah Smith and were engaged in the practice of

phlebotomy, and were obligated to bring to bear in the practice of their profession, the professional skill, knowledge, and care which they possessed or should have possessed to pursue their profession in accordance with reasonably safe and accepted standards of medicine in general, and in particular, in their field of specialty, phlebotomy.

13. Pursuant to and in the course of drawing Plaintiff's blood, Defendants, by and through their agents, servants, employees, and ostensible agents undertook to draw blood from the Plaintiff, however, during the course of said procedure, a nerve was struck and Plaintiff immediately experienced a very sharp pain and requested the Defendants' phlebotomist to withdraw the needle without drawing blood.
14. This improper needle stick of Plaintiff's arm caused severe damage and Plaintiff now suffers from Complex Regional Pain Syndrome.
15. The referenced care and treatment rendered by Defendants was negligent and caused Plaintiff serious harm and pain which is set forth in greater detail hereafter.
16. The negligence of the Defendants together with their agents, servants, employees, and ostensible agents consisted of the following:
 - a). Failure to provide and render reasonable and appropriate medical care;
 - b). Failure to perform within reasonable standards of medical treatment and, specifically, phlebotomy procedures under the circumstances;

- c). Failure to take precautions necessary under the circumstances;
- d). Failure to provide pre and post treatment precautions;
- e). Failure to properly render care;
- f). Failure to provide proper training, supervision, instruction and monitoring of the phlebotomy procedures of its agents, servants, employees, and/or representatives;
- g). Failure to perform the procedure properly and in conformity with the appropriate standard of care;
- h). Otherwise negligent in fact and at law to be determined during discovery and at the time of trial.

17. As a direct result of the negligence of defendants as set forth above, Plaintiff, Sarah Smith, has suffered injuries which have precluded her and may in the future continue to preclude her from fully enjoying the ordinary pleasures of life and participating in her ordinary activities and avocations; further, she has suffered and may in the future continue to suffer and undergo pain, embarrassment, depression, anxiety, bodily deformation, disability, mental anguish, loss of well-being, and other such intangible losses, some or all of which may be permanent in nature.

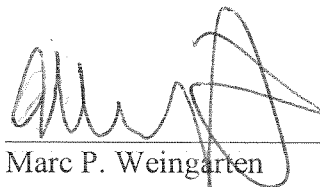
18. As a direct result of the negligence of defendants as set forth above, Plaintiff, Sarah Smith, has incurred in the past and may in the future continue to incur substantial medical and medically-related expenses including, but not limited to, expenditures for medicine, hospitalization, medical and surgical care, testing,

therapy, rehabilitative care and other care and treatment to attend to, treat and attempt to alleviate, minimize, and/or cure her condition.

19. As a direct result of the negligence of defendants as set forth above, Plaintiff, Sarah Smith, has been prevented in the past and may in the future continue to be prevented from performing her usual duties, occupations, and avocations.
20. As a direct result of the negligence of defendants as set forth above, Plaintiff, Sarah Smith, may in the future suffer a loss of earnings and earning capacity.
21. Had Defendants, by and through their agents, servants, employees, and ostensible agents acted in accordance with the standard of care and properly performed phlebotomy on September 12, 2007, Sarah Smith's would not have suffered the injuries and damages alleged herein.

WHEREFORE, Plaintiff Sarah Smith demands judgment in her favor and against the defendants herein, HCSC-Blood Center, Inc. (d/b/a Miller-Keystone Blood Center), and Miller-Keystone Blood Center, individually, vicariously, jointly and/or severally for damages for sums in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of costs, prejudgment interest and post-judgment interest.

Date: 1/15/09

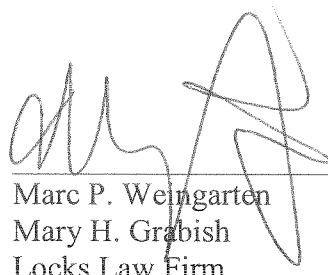


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DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands
a trial by jury on all questions of fact raised by the complaint.

Date: 1/16/09



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